

<b>OUTFITTERS &amp; GUIDES LICENSING BOARD</b>	<b>POLICY MANUAL</b>	<b>POLICY NUMBER:</b> 3001 - 2005	<b>PAGE NUMBER:</b> 1 of 4
		<b>SUBJECT:</b> Enforcement Priorities	Adopted: 12/4-6/2002 Revised: 08/19/05 Reformatted: 08/19/05

## **1.00.00 POLICY OF THE AGENCY**

It is the policy of the Outfitters and Guides Licensing Board to establish investigative complaint priorities to provide guidance and direction to the Chief of Education and Enforcement for addressing the investigation of various types of complaints.

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## **3.00.0 REFERENCES**

## **4.00.0 PROCEDURE**

### **4.01.00 Policy**

The following statements of priorities for investigation and enforcement action are a result of limited resources available to the Board to immediately and fully investigate all received complaints. The Board's highest priorities are those complaints alleging or involving danger to the health, safety and welfare of the general public. The Board established this list of priorities to provide guidance and direction to the Chief of Education and Enforcement for addressing the investigation of various types of complaints.

The Chief of Education and Enforcement must always consider the severity of the complaint based upon the specific conduct alleged to have occurred. The Board does not intend these to be rigid priorities or to be a basis to refuse to review or give consideration to a specific complaint; these priorities are intended to provide guidance for the urgency of the investigation based upon the number of complaints received and the availability of Board investigators and enforcement agents.

4.02.0 The categories listed within a priority section are not in any particular priority order.

#### **4.02.01 1<sup>st</sup> Priority**

- Operating in a manner that endangers the health, safety or welfare of the general public.

#### **4.02.02 2<sup>nd</sup> Priority**

- Idaho Code § 36-2104 – For outfitting or guiding without a license.

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- Idaho Code § 36-2113(a)(1) – For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.
- Idaho Code § 36-2113(a)(3) – For conviction of a felony.
- Idaho Code § 36-2113(a)(4) – For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States Forest Service or the Bureau of Land Management.
- Idaho Code § 36-2113(a)(5) – For unethical or unprofessional conduct as defined by rules of the Board. (As defined by IDAPA 25.01.01.002.45 – definition of Unethical/Unprofessional Conduct.) Specifically: Providing false, fraudulent, or misleading information to the Board; harassment of the public in their use of Idaho's outdoor recreational opportunities; violation of state or federal fish and game laws; or engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed. (This is a partial listing of the elements of the definition of unethical and unprofessional conduct.)
- Idaho Code § 36-2113(a)(6) – For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.
- Idaho Code § 36-2113(a)(8) – For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.
- Idaho Code § 36-2113(a)(9) – For the employment of an unlicensed guide by an outfitter.
- Idaho Code § 36-2113(a)(14) – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide Board. Specifically:
  - IDAPA Rule 25.01.01.067 – Inspections – Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board.

#### 4.01.03 **3<sup>rd</sup> Priority**

- Idaho Code § 36-2113(a)(5) – For unethical or unprofessional conduct as defined by rules of the Board. (As defined by IDAPA 25.01.01.002.45 – definition of Unethical/Unprofessional Conduct.) Specifically: Failure to obey and order of the Board; failure to pay a supplier of goods or services to the outfitter business; or failure to pay state taxes. (Additional elements of the definition of unethical and unprofessional conduct.)
- Idaho Code § 36-2113(a)(10) – For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with

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the conduct of his business.

- Idaho Code § 36-2113(a)(13) – For failure of an outfitter to serve the public in any of the following ways (1) by nonuse of license privileges as defined by rules of the Board, (2) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (3) by not offering services to the general public.
- Idaho Code § 36-2113(a)(14) – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide Board. Specifically:
  - IDAPA Rule 25.01.01.010 – Compliance With Laws – All licenses must comply with all local, state and federal laws.
  - IDAPA Rule 25.01.01.012 – Outfitter Responsibilities – An outfitter shall be responsible for maintaining neat, orderly and sanitary camps, etc.
  - IDAPA Rule 25.01.01.034 – Guide Application Requirements – General – An application for guide license must be accompanied by a valid first aid card, appropriate signatures, etc.
  - IDAPA Rule 25.01.01.035 – Guide Application Requirements – Hunting – A guide applicant for big game hunting shall follow all requirements of the Board.
  - IDAPA Rule 25.01.01.050 – General Fish and Game Rules – An outfitter or guide shall never kill a client's game or catch his fish for him, etc.
  - IDAPA Rule 25.01.01.051 – Placement of Hunting Camps – A hunting outfitter shall not place a camp in an area for which he is not licensed, etc.

#### 4.01.04 **4<sup>th</sup> Priority**

- Idaho Code § 36-2113(a)(2) – For fraudulent, untruthful or misleading advertising.
- Idaho Code § 36-2113(a)(11) – For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.
- Idaho Code § 36-2113(a)(12) – For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.
- Idaho Code § 36-2113(a)(14) – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide Board. Specifically: IDAPA Rule 25.01.01.023 – Third

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Party Agreements – An outfitter shall not sublet or enter into any third party agreements involving the use of his activities, operating areas or license.

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Executive Director, IOGLB

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Date